

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

148
NO. 02-3406

9/11/02
FILED
HARRISBURG, PA

Prince vs. Kyler
District Court No. 00-cv-01181

SEP 18 2002

J. Cole
M. g. Blewett
MARY E. D'ANDREA, CLERK
Per _____
Deputy Clerk

O R D E R

It appearing that the District Court has not issued a certificate of appealability or stated reasons why a certificate of appealability should not issue pursuant to Rule 22(b), F.R.A.P. and 28 U.S.C. Section 2253 and that under Third Circuit LAR 22.2 the District Court is required to make a determination as to whether a certificate of appealability should issue at the time a final order is issued;

It is hereby **O R D E R E D** that the matter is remanded to the District Court for the sole purpose of either issuing a certificate of appealability or stating reasons why a certificate of appealability should not issue. The appeal is stayed pending determination by the District Court.

The record is being returned to the District Court for its consideration and completion of the record. The Clerk of the District Court is to promptly forward the record to the Clerk of the Court of Appeals after entry of the District Court's determination regarding the certificate of appealability.

A True Copy:

Marcia M. Waldron

Marcia M. Waldron,
Clerk

For the Court,

Marcia M. Waldron

MARCIA M. WALDRON
Clerk

Date: 9/11/2002

cc:

Honorable Yvette Kane
Mrs. Mary D'Andrea

Mr. James R. Prince #BD-1801
Thomas A. Marino, Esq.